

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JENNIFER ROUSSELL, on Behalf of
Herself and Others Similarly Situated,

Plaintiffs,

v.

BRINKER INTERNATIONAL, INC.,

Defendant.

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CIVIL ACTION NO. H-05-3733

MEMORANDUM AND ORDER

Pending before the Court is Plaintiffs' Motion to Toll Statute of Limitations. (Doc. No. 173.) Having considered Plaintiffs' Motion, Defendant's Response, and the arguments of counsel, the Court finds that it is proper in this case to equitably toll the statute of limitations to avoid prejudice to the Plaintiffs dismissed by the Court's Order to Decertify. (Doc. No. 172.)

The Court declines to render a global policy regarding motions to intervene. Rather, any motions to intervene will be considered on their individual merits, taking into consideration such variables as the location of the plaintiff and the stores at which he or she worked, the dates of employment, and the similarity of allegations.

Issues as to the timing and format of any trial or trials to be held will be the subject of future orders.

Plaintiffs' Motion to Toll Statue of Limitations (Doc. No. 173) is hereby **GRANTED**. The Dismissed Opt-ins' statute of limitations is hereby tolled for the 45 days subsequent to the entry of the Court's Order of September 30, 2008. (Doc. No. 172.)

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 4th day of November, 2008.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**